

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Berkshire Road, 35 ft. W of C/L of Larkfield Road
7446 Berkshire Road
17th Election District
7th Councilmanic District
Ronald M. Lambert, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-398-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 3 ft. side yard setback, in lieu of the required 11.25 ft. for an open deck, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1992 that the Petition for a Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 3 ft. side yard setback, in lieu of the required 11.25 ft. for an open deck, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/15/92
By [Signature]

LES/mm

-2-

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 301.162
To Allow 3' setback in sideyard in lieu of the required 11.25' for an open deck

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

THE PRACTICAL DIFFICULTY IS NOT ENOUGH ROOM BETWEEN EXISTING DWELLING AND THE NEW GARAGE TO ERECT AN OPEN DECK

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or print name)

(Signature)

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

City State Zip Code

Address phone

Legal Owner(s):

(Type or print name)

(Signature)

City State Zip Code

7446 BERKSHIRE RD 282-7356

17th MD 21224

Block, address and phone number of owner, contact person or representative to be contacted

NAME SAME

Address phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of May, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

RECEIVED BY [Signature] DATE 4-8-92

ESTIMATED POSTING DATE 4-26-92 ESTIMATED CLOSING DATE

ITEM 421

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 7446 Berkshire Rd
Baltimore MD 21224

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

THE PRACTICAL DIFFICULTY IS NOT ENOUGH ROOM BETWEEN EXISTING DWELLING AND THE NEW GARAGE TO ERECT AN OPEN DECK

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising for and may be required to provide additional information.

[Signatures of Affiants]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of May, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald M. Lambert et ux

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/9/92

NOTARY PUBLIC

My Commission Expires:

THE DESCRIPTION
-3 copies required

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 7446 BERKSHIRE RD
(Address)

Beginning at a point on the NORTH side of (name of street on which property fronts) which is 60 FT wide at the distance of 35.55 FT WEST of the centerline of the nearest improved intersecting street (name of street) which is 60 FT wide. "Being lot 128 Block 18, Section 11.1 in the subdivision of ROXBOROUGH as recorded in Baltimore County Plat Book 110, Folio 1186 containing 7.685 AC. Also known as 7446 BERKSHIRE RD located in the 112 Election District. (property address)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber [], Folio []" and include the measurements and directions (weeds and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 310 ft., and N. 00° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11-2-1 Date of Posting 4/14/92
Posted for: [Signature]
Petitioner: [Signature]
Location of property: 7446 Berkshire Rd
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 4-7-92 ACCOUNT R-001-6150
ITEM 428 AMOUNT \$ 85.00
RECEIVED FROM RONALD LAMBERT
FOR ADM. VARIANCE
CHARGE 000171CHRC
04-CO054-02004-00-02
VALIDATION OR SIGNATURE OF CASHIER
185.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 4/14/92 Account: R-001-6150 Number H9200428

PAID PER HAND-WRITTEN RECEIPT DATED 4/8/92

	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: LAMBERT

Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

May 7, 1992

(410) 887-3353

Mr. & Mrs. Ronald M. Lambert
7446 Berkshire Road
Baltimore, MD 21224

RE: Item No. 428, Case No. 92-398-A
Petitioner: Ronald M. Lambert, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Lambert:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
9th day of April, 1992.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald M. Lambert, et ux
Petitioner's Attorney:

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD M. LAMBERT, SR. AND CAROLYN A. LAMBERT
Location: #7446 BERKSHIRE ROAD
Item No.: *428(RT) Zoning Agenda: APRIL 20, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Jablon* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEK

RECEIVED
APR 22 1992
ZONING OFFICE

Project Name	Waiver Number	Zoning Issue	Meeting Date
7610 Bay Front Road	396		4-13-92
(AT CBCA) DEPRM			
3301 Edwards Lane (Parkside Marina)	402		
DEPRM (AT CBCA)			
207 St. Marys Road	406		
DEPRM (AT CBCA)			
Broadview II (Related to CRG refinement)	419		
DEPRM (AT EIRD)			

COUNT 4

4 Hilltop Road North	420	4-20-92
DEPRM (AT EIRD)		No comment
8945 Satyr Hill Road	425	WC
DEPRM (AT EIRD)		
Green Spring Valley Hunt Club (30 Green Spring Valley Road)	426	WC
DEPRM (AT EIRD)		
7446 Berkshire Road 92-318-A	428	No comment
DEPRM 69AT EIRD)		
9928 York Road (Taco Bell)	423	No comment
VIII-609 (921262)		
DEPRM (AT EIRD)		

COUNT 5

2212 Maple Road	435	4-27-92
DEPRM		
Magsamen Property (W/S Notchcliff Road)	436	WC
DEPRM STP (To JLP 4/27 DEPRM)		

Project Name	Waiver Number	Zoning Issue	Meeting Date
8100 Stevenson Road (Chizuk Amuno Congregation)	427	No Comments	4-20-92
STP			
7446 Berkshire Road 92-345-A	428	No Comments	
DEPRM RP (AT EIRD)			
Della Parcel A, Lots 34-38; Parcel B, Lots 40-45; Parcel C-1, Lots 49-67	424	No Comments	
Della CRG			
STP			
9928 York Road (Taco Bell)	423	No Comments	
VIII-609 (921262)			
DEPRM RP (AT EIRD)			

COUNT 8

2212 Maple Road	435	4-27-92
DED DEPRM RP STP TE		No Comments
Magsamen Property (W/S Notchcliff Road)	436	No Comments
DED DEPRM RP STP TE		
3838 North Point Boulevard	431	No Comments
DED DEPRM RP STP TE		
14311 Old Hanover Road	433	No Comments
DED DEPRM RP STP TE		
1243 Lanover Road	434	No Comments
DED DEPRM RP STP TE		
1313-1315 York Road	438	No Comments
DED DEPRM RP STP TE		
8 Kelbark Court	439	No Comments
DED DEPRM RP STP TE		
1500 Glencoe Road - Oldfields School, Inc.		
CR-92-399-XA		

May 13, 1992

Mr. and Mrs. Ronald M. Lambert, Sr.
7446 Berkshire Road
Baltimore, Maryland 21224

RE: Petition for Residential Zoning Variance
Case No. 92-398-A

Dear Mr. and Mrs. Lambert:

Enclosed please find the decision rendered in the above captioned
case. The Petition for Residential Variance has been granted, in
accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please
be advised that any party may file an appeal within thirty (30) days of the
date of the Order to the County Board of Appeals. If you require
additional information concerning filing an appeal, please feel free to
contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

Ronald M. and Carolyn A. Lambert
7446 Berkshire Road
Baltimore, Maryland 21224

Re: CASE NUMBER: 92-398-A
LOCATION: N/S Berkshire Road, 35' W of c/J Larkfield Road
7446 Berkshire Road
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refreshing regarding the administrative process.

1) Your property will be posted on or before April 27, 1992. The closing date is May 11, 1992. The
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will
issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the
matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 7446 BERKSHIRE RD
Subdivision name: FORDHAM
Plot Book # 12, Folio # 26, Lot # 35, section # 1
OWNER: CAROLYN & RONALD LAMBERT

See pages 5 & 6 of the CHECKLIST for additional required information

LOCATION INFORMATION

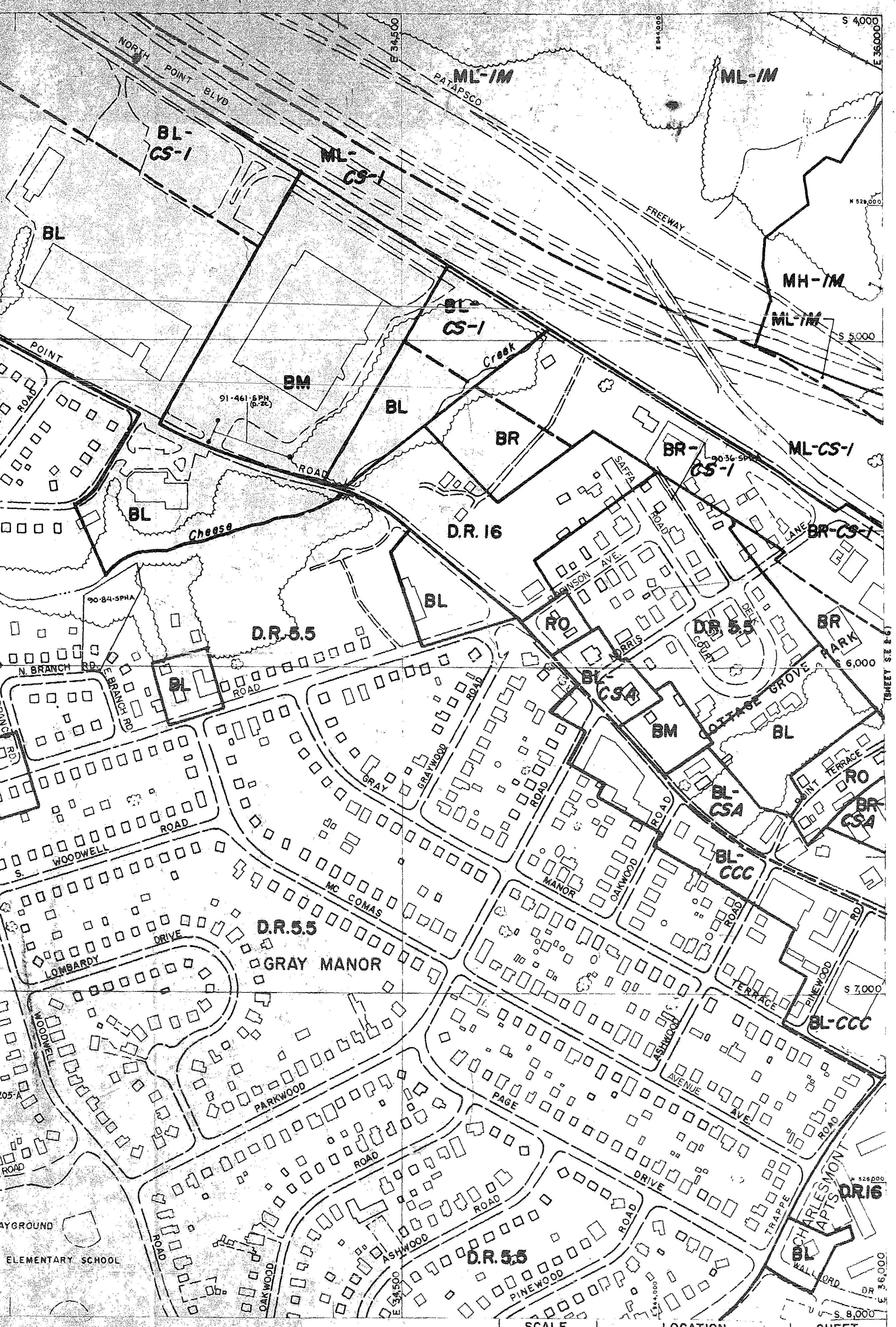
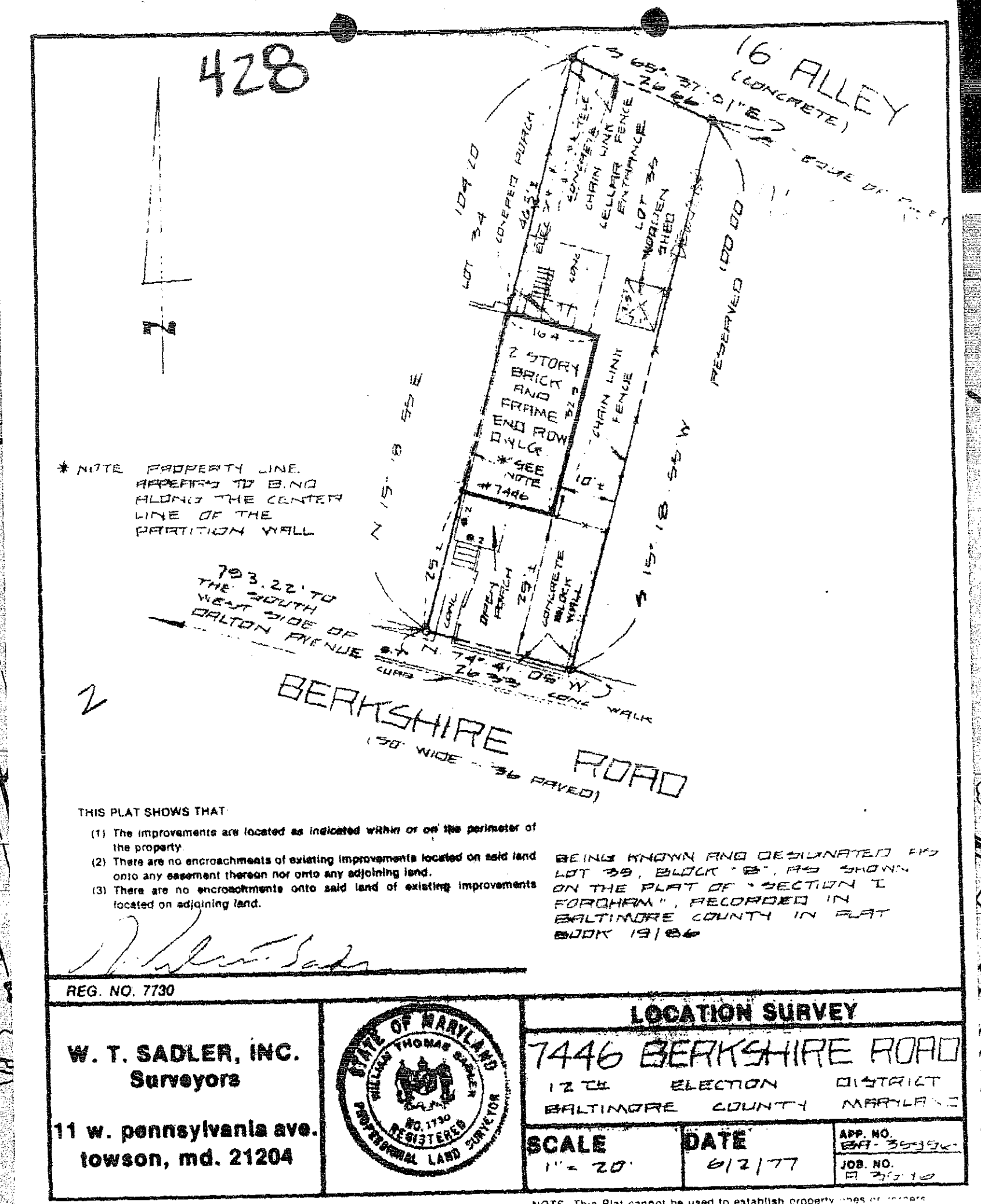
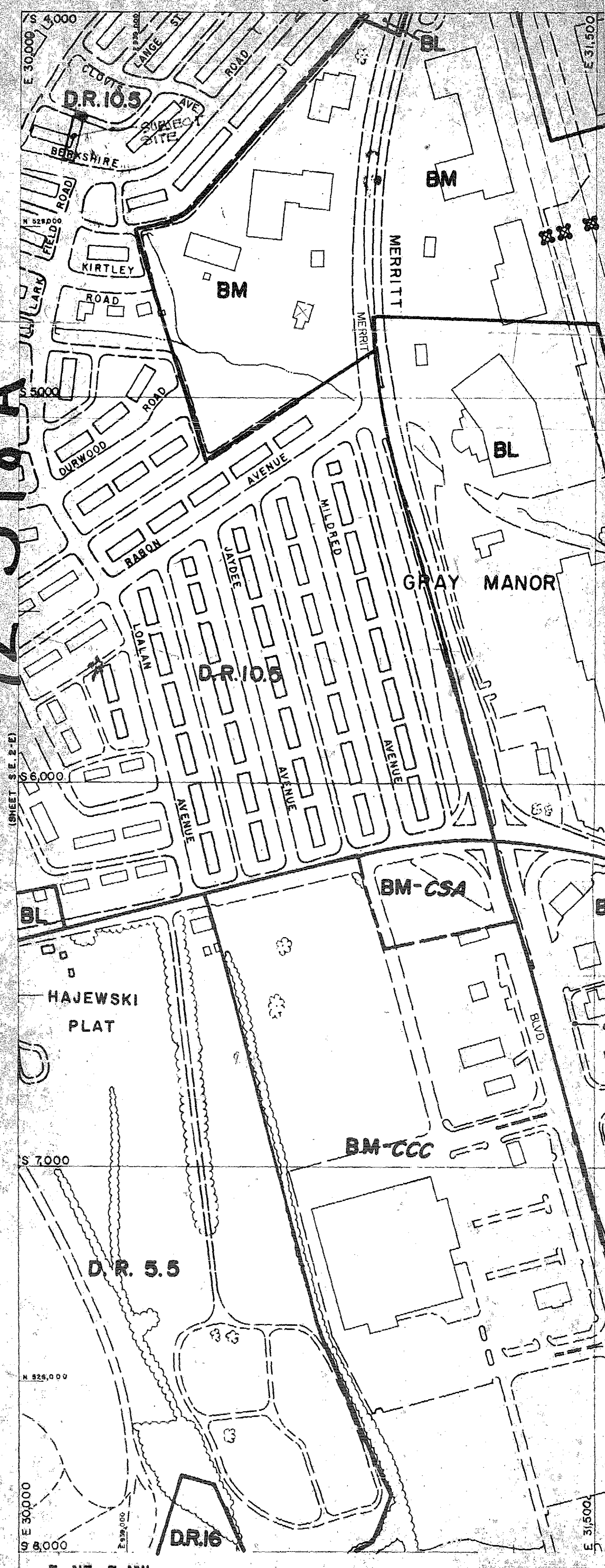
Councilmanic District: 7
Election District: 12
1"=200' scale map: SE 2F
Zoning: DR 10.5
Lot size: 0.06 2685 square feet
BSEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#: 428

Scale of Drawing: 1"= 50'



92-398-A



F-NE E-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

SCALE 1" = 200' ±	LOCATION NORTH POINT GRAY MANOR	SHEET S E 2-F
DATE OF PHOTOGRAPHY JANUARY 1986		